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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,127

01/16/2004

Jae Koog An

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21171

7590

09/26/2006

STAAS & HALSEY LLP

SUITE 700

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EXAMINER

HAWK, NOAH CHANDLER

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/758,127

Applicant(s)

AN, JAE KOOG

Examiner

Noah C. Hawk

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/26/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 6/26/06 was filed after the mailing date of the first Office Action on 6-5-06. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Keil et al. in US Patent 4732432.

a. Regarding Claims 1-5, Keil et al. discloses a refrigerator (10) comprising a door (18) attached to a body (12) of a non-magnetic substance (see Keil et al., Column 4, lines 1-2 “made of a resinous plastic and includes a front portion 66”) and which selectively opens and closes a storage chamber (14), a gasket (90) along an inside surface of the door which maintains airtightness of the storage chamber, a first magnet (92) in the gasket, a second magnet (41) inside a front of the body to face the first magnet and at least one metallic plate shield member (36’, best seen in Figure 4, see Keil et al., column 5, lines 50-51, “front portion

36' of the metal frame") blocking and contacting surfaces of the second magnet not facing the first magnet and blocking the north pole of the magnet (Best seen in Keil et al., Figure 4).

b. Regarding Claims 6-11, Keil et al. discloses a refrigerator (10) comprising a body (12), the front of which is a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36', see Keil et al., 5, lines 50-51, "front portion 36' of the metal frame") blocking side surfaces (side surfaces of the magnet are considered any of the sides of the magnet) of the second magnet not facing the first magnet. Keil et al. also discloses a second shield member (90, the gasket is considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet.

c. Regarding Claims 12-17, Keil et al. discloses a refrigerator (10) comprising a body (12), the front of which is a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and

second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36', see Keil et al., column 5, lines 50-51, "front portion 36' of the metal frame") blocking lines of magnetic force extending from at least one magnet which are substantially repulsive to the other magnet. Keil et al. also discloses a second shield member (90, the gasket is considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo et al. in US Patent 6327867 in view of Keil et al.

d. Regarding Claims 18-23, Hyodo et al. discloses a refrigerator comprising a refrigerator body (101), a storage chamber (102), door (104) and a cooling system (108) but does not disclose details of the closure mechanism including the magnets and a shield member. Keil et al. discloses a refrigerator (10)

comprising a body (12), the front of which is a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36', see Keil et al., column 5, lines 50-51, "front portion 36' of the metal frame") blocking side surfaces (side surfaces of the magnet are considered any of the sides of the magnet) of the second magnet not facing the first magnet. Keil et al. also discloses a second shield member (90, the gasket is considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Hyodo et al by using the gasket closure assembly including first and second magnets and a shield member as taught by Keil et al. in order to improve the closure of the refrigerator and increase the efficiency of the device.

e. Regarding Claims 24-29, Hyodo et al. discloses a refrigerator comprising a refrigerator body (101), a storage chamber (102), door (104) and a cooling system (108) but does not disclose details of the closure mechanism including the magnets and a shield member. Keil et al. discloses a refrigerator (10)

comprising a body (12), the front of which is a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36', see Keil et al., column 5, lines 50-51, "front portion 36' of the metal frame") in contact with the magnet and blocking lines of magnetic force extending from at least one magnet which are substantially repulsive to the other magnet. Keil et al. also discloses a second shield member (90, the gasket is considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Hyodo et al by using the gasket closure assembly including first and second magnets and a shield member as taught by Keil et al. in order to improve the closure of the refrigerator and increase the efficiency of the device.

### ***Response to Arguments***

6. Applicant's arguments filed 6/5/06 have been fully considered but they are not persuasive.

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7. Regarding the applicant's arguments about the shield contacting the magnets, please see above rejections: shield 36' contacts the magnets. Further, because the "sides" of the magnets are not described in such a way as to mean only the portions not facing the other magnet, any side portion of the magnet is considered a "side" and therefore, shield 36' contacts a "side."

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NCH  
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9/17/06

  
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